

Message Text

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ACTION EUR-25

INFO OCT-01 ADP-00 CIAE-00 DODE-00 PM-09 INR-10 L-03

NSAE-00 NSC-10 PA-03 RSC-01 PRS-01 SS-15 USIA-12

ACDA-19 IO-12 GAC-01 NIC-01 SAJ-01 MBFR-03 RSR-01

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O R 100938 Z MAY 73

FM AMEMBASSY BONN

TO USMISSION BERLIN IMMEDIATE

INFO SECSTATE WASHDC 4949

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

USMISSION NATO BRUSSELS

C O N F I D E N T I A L BONN 06697

E. O. 11652: GDS

TAGS: PGOV, WB, GE

SUBJECT: DRAFT BK/ L ON SENAT- GDR AGREEMENTS

REF: A) BERLIN 807; B) BONN 6642; C) STATE 88108

1. AT BONN GROUP MEETING ON MAY 9, FONOFF REP (BRAEUTIGAM) MADE STRONG PITCH FOR DELAY IN ISSUANCE OF BK/ L. HE SAID THAT IN ADDITION TO SHARING DOUBTS EXPRESSED BY SENAT (REF A), THE FEDERAL GOVERNMENT BELIEVED THAT THE BK/ L AS NOW WORDED MIGHT HINDER ITS EFFORTS TO INCLUDE BERLIN IN FOLLOW- ON AGREEMENTS PROVIDED FOR IN THE BASIC TREATY. THE FRG VIEW WAS THAT THE WORDING OF THE PRESENT FIRST PARAGRAPH OF THE BK/ L, ESPECIALLY THE SENTENCES WHICH NOTED THAT CERTAIN SENAT- GDR ARRANGEMENTS " MIGHT BE USEFUL" AND EXPRESSION BY THE AK OF " NO OBJECTION IN PRINCIPLE" TO SUCH ARRANGEMENTS MIGHT BE USED BY THE GDR TO CLAIM THAT EVEN THE ALLIES WERE IN FAVOR OF SEPARATE TREATMENT FOR BERLIN.

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2. BRAEUTIGAM SAID THAT AT THE MOMENT THE FEDERAL GOVERNMENT WOULD LIKE TO REQUEST THAT THE FIRST PARAGRAPH BE DROPPED COMPLETELY. THE GERMAN SIDE WISHED TO CONSULT FURTHER WITH THE SENAT AND WITH THE THREE POWERS, HOWEVER, AND WONDERED IF THERE COULD NOT BE SOME DELAY IN ISSUANCE OF THE BK/ L. AT THE SAME TIME, CONCLUSION OF THE SENAT- GDR REFUSE AGREEMENT WAS A MATTER OF HIGH PRIORITY. SINCE NEITHER THE SENAT NOR THE FRG SAW A LEGAL REQUIREMENT FOR ISSUANCE OF THE BK/ L BEFORE THE REFUSE AGREEMENT WAS CONCLUDED, BRAEUTIGAM WISHED TO REQUEST THAT THE THREE POWERS AUTHORIZE SIGNATURE OF THE AGREEMENT WITHOUT ISSUANCE OF THE BK/ L.

3. ALLIED REPS SAID THEIR MISSIONS HAD WISHED TO ISSUE THE BK/ L BEFORE CONCLUSION OF THE REFUSE AGREEMENT, BUT AGREED THAT LEGALLY THERE WAS NO REQUIREMENT TO DO SO. THEY AGREED TO CHECK WITH BERLIN AND TO REQUEST, IF AT ALL POSSIBLE, A DELAY IN ISSUANCE OF THE BK/ L.

4. EMBASSY COMMENT: AS WE HAVE REPORTED RECENTLY, THE QUESTION OF INCLUSION OF BERLIN HAS BECOME A TOPIC OF CONSIDERABLE POLITICAL INTEREST IN THE FRG. THE FEDERAL GOVERNMENT IS INTERESTED IN MAKING SURE THAT NO OPPORTUNITIES ARE MISSED TO MAKE SURE THAT BERLIN WILL BE INCLUDED IN ALL AGREEMENTS CONCLUDED WITH THE EAST. IN LIGHT OF THIS SITUATION AND IN VIEW OF THE STRONG PRESENTATION MADE BY BRAEUTIGAM IN THE BONN GROUP, REQUEST USBER TO RECONSIDER NECESSITY OF ISSUING THE BK/ L BEFORE CONCLUSION OF REFUSE AGREEMENT AND, IF AT ALL POSSIBLE, TO AGREE TO SIGNATURE OF AGREEMENT BEFORE ISSUANCE OF BK/ L.

HILLENBRAND

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